

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-17 were previously presented. Claims 3 and 14 have been cancelled by the present amendment; claims 1, 2, 4-10, 12, 13, and 15-17 are amended by the present amendment; and claim 18 has been added. No new matter has been added

In the outstanding Office Action, claims 1-17 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement; claims 1, 12-14, and 15-17 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; claims 1, 6, 12, and 15 were rejected under 35 USC 101 because “An apparatus” comprising: means or units does not include any functional structure; and claim 1-5, 8 and 12-14 were rejected under 35 USC 103(a) as being unpatentable over Agraharam et al. in view of Porter et al. and further in view of Kakuta et al.; claims 6, 7, 9-11, and 15-17 were rejected under 35 USC 103(a) as being unpatentable over Agraharam et al., Porter et al., and Kakuta et al., in view of Erdelyi.

In response to the rejection under the first paragraph of 35 USC 112, the feature in question has been clarified. That feature is that the “groups” are “chat rooms” and that the text messages are exchanged while the chat rooms are up and running. That is, the server can provide content during chatting, which means that the users can either enjoy the content (typically, music) during normal chatting or can chat about the content while listening to it. The content can be either in the foreground or in the background of the chatters’ minds.

In response to the rejection under the second paragraph of 35 USC 112, the claims have been amended extensively. While it is believed that the amended claims are clearer and that in every case antecedent basis has been provided for the terms used, Applicant is very

much open to suggestions for further clarifications in the claims.

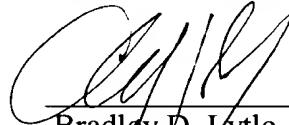
In response to the rejection under 35 USC 101, it is believed that the amended claims include sufficient functional structure of the apparatuses. However, once against Applicant is open to suggestions for further clarifications in the claims. It is believed that the principal issue here is patentability over the prior art and that, once agreement has been reached on that issue, the other issues will either have become moot or will fall into place easily.

Turning, then, to the rejection of the claims under 35 USC 103: All of the claims have been amended to recite (in various terms) Applicant's feature of enabling text message chatting during the broadcast of the content—typically music. This feature is supported by the specification at, e.g., page 13 line 20, page 15 lines 11-14, and page 26 line 24 – page 27 line 2. Since none of the cited references teaches or suggests the use of text messaging during the broadcasting of content in a chat room, it is respectfully submitted that all of the claims now presented are in condition for allowance over the prior art of record.

An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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